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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-third session

Summary record of the 1375th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 16 February 2016, at 10 a.m.

Chair: Ms. Gabr (Vice-Chair)

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Combined seventh and eighth periodic reports of Japan

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Japan (CEDAW/C/JPN/7-8; CEDAW/C/JPN/Q/7-8 and Add.1)

1. *At the invitation of the Chair, the delegation of Japan took places at the Committee table.*

2. **Mr. Sugiyama** (Japan), introducing the State party's combined seventh and eighth periodic reports (CEDAW/C/JPN/7-8), said that the foundation for all gender equality measures adopted by the Government of Japan was the Basic Act for a Gender-Equal Society of 1999. The Act defined gender equality as the right of men and women to participate on equal terms in all fields of social, political, economic and cultural activity. It prohibited all forms of discriminatory treatment, including unintentional discrimination, set out the basic principles essential to the construction of a gender-equal society and established that the Government had a responsibility to formulate and implement policies, including affirmative action policies, that promoted gender equality. The content and direction of such policies and the specific measures for their implementation were set out in the Basic Plan for Gender Equality, the fourth version of which had been adopted in December 2015.

3. The Fourth Basic Plan was the fruit of broad civil society consultations, including public hearings at venues across the country and proactive discussions with experts in various fields. It had four key objectives: (i) to reform labour practices so as to move away from traditional male-oriented models and towards gender-sensitive, flexible arrangements that enabled women to contribute more actively and enjoy more fulfilling working lives; (ii) to facilitate the recruitment of women and their advancement to positions of responsibility and influence; (iii) to create a more supportive environment for women in difficult situations; and (iv) to strengthen measures for combating violence against women.

4. The implementation and efficacy of the Basic Plan would be monitored by the Council for Gender Equality using a set of 71 performance indicators that included highly ambitious numerical targets for women's participation in all areas of society. Affirmative action measures had already raised the female employment rate and the percentage of women occupying managerial positions in the public and private sectors. The enhanced training and work experience opportunities provided for under the Basic Plan were expected to expand the pool of talented female human resources and thus contribute to further improvements. A key aim was to overturn the workplace culture in which long hours and relocations were taken for granted. To that end, consideration was being given to developing a system whereby companies that sought to foster a better work-life balance for their employees would be given preferential treatment in public-sector tenders. Other family-friendly measures in place or in the pipeline included a parental leave system under which both parents could take up to six months of childcare leave on 80 per cent pay; the creation of an additional 500,000 childcare places by 2018; measures to prevent forced overtime and promote a more supportive environment for pregnancy and child-rearing; and pension system reforms that would exempt self-employed women from the payment of insurance premiums for a certain period before and after childbirth.

5. The Act on the Promotion of Women's Participation and Advancement in the Workplace, enacted in August 2015, would further enhance opportunities for women. Pursuant to the Act, companies were required to set numerical targets for the recruitment and promotion of women, to make such information publicly available and

to eliminate wage disparities. Briefing sessions had been organized to raise awareness of the Act's provisions and an informational website was due to be launched in the near future. Women's empowerment was also being promoted through the adoption of more gender-sensitive budgeting processes.

6. In the international arena, the Government of Japan had assumed a central role in promoting women's empowerment. Its financial contributions to the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) had risen dramatically over the past five years; at the sixty-eighth session of the General Assembly of the United Nations, Prime Minister Abe had expressed the intention to provide official development assistance (ODA) in excess of US$ 3 billion in order to build "a society in which women shine". Since 2014, Japan had been hosting the World Assembly for Women, which brought together leading figures from international organizations and countries around the world to discuss global issues related to women, and Japan would be turning the spotlight on gender mainstreaming when it hosted the Group of Seven (G7) summit in 2016. The Government of Japan was also actively involved in international efforts to promote women's participation in conflict prevention and post-conflict reconciliation and, in September 2015, had formulated a national action plan for the implementation of Security Council resolution 1325 (2000) on women, peace and security. Furthermore, Prime Minister Abe had recently been selected as one of the 10 male Heads of States championing the HeForShe IMPACT 10x10x10 initiatives being implemented by UN-Women.

7. In December 2015, the Governments of Japan and the Republic of Korea had reached an agreement that would finally resolve the long-standing issues surrounding what had been known as the "comfort women" system. The Government of Japan deeply regretted the severe harm done to so many women during wars in the twentieth century and aspired to lead the world in ensuring that such infringements of women's human rights were never repeated. However, since the infringements in question had occurred before Japan had ratified the Convention, which was not applicable retrospectively, it would not be appropriate to address the comfort women issue in terms of the implementation of the State party's duties regarding the Convention.

Articles 1 to 6

8. **Ms. Zou** Xiaoqiao said that it was regrettable that the State party had failed to fully incorporate the definition of discrimination against women set out in article 1 of the Convention into domestic legislation, as the Committee had urged it to do in its previous concluding observations (CEDAW/C/JPN/CO/6). She wished to know what obstacles were preventing it from doing so and whether the enactment of a general law containing a definition of discrimination in line with the Convention was envisaged. She would also like to know whether the State party had a clear timeline for reviewing existing laws to assess their compatibility with the Convention and the Committee's general recommendations and for repealing discriminatory provisions such as those included in the Civil Code and the Anti-Prostitution Act. She was concerned that the term "gender equality", which was used in the report and other official documents, appeared to correspond to a Japanese term for which the literal translation was "equal participation of men and women". That term was more commonly used in an economic growth context rather than in reference to human rights and was not consistent with the definition of gender equality established in the Convention. She invited the delegation to comment on that view and explain what was being done to ensure substantive gender equality in all areas covered by the Convention.

9. **Mr. Bruun** said that the lack of references to the Convention in Japanese case law, coupled with reports that the Supreme Court apparently did not regard the Convention's provisions as being directly applicable or self-executing, suggested that

the concerns raised by the Committee in its previous concluding observations about the Convention's status within the legal system had not yet been addressed. Since ratification of the Optional Protocol to the Convention would be a means of achieving fuller implementation of the Convention and of strengthening the role it played in court proceedings, he would like to know what progress had been made in that direction and what the Division for Implementation of Human Rights Treaties was doing to facilitate acceptance of the procedure provided for in the Protocol. He would also like to know what the State party was doing to establish an independent human rights institution in accordance with the Paris Principles which could then deal with sex discrimination and gender equality issues. Alternative sources indicated that the State party had also made little progress in increasing the Convention's visibility since 2009. Information on efforts to raise awareness of its provisions among legal professionals, in schools and among the general public would therefore be appreciated. He would also like to know whether the dialogue with the Committee and the resultant concluding observations would be discussed in the Diet; whether the new ODA programme incorporated a comprehensive gender perspective; whether the issue of sexual violence committed by foreign military forces based in Japan was addressed in the national action plan for the implementation of Security Council resolution 1325 (2000); and what was being done to ensure that gender was mainstreamed in all security policies.

10. **Ms. Halperin-Kaddari** said that she, too, was concerned by the State party's failure to rectify discriminatory provisions of the Civil Code, the Family Registration Act and other laws, including those relating to the mandatory waiting period prior to remarriage, which was longer for divorced women than for divorced men, the registration of "illegitimate" children and the different ages at which men and women were permitted to marry. She had been particularly concerned to learn that the country's highest court had apparently concluded that such provisions were not discriminatory. Its position on the requirement for married couples to adopt a unified family name was especially surprising and clearly in breach of the obligation to promote substantive equality. The State party's arguments that the provisions were consistent with its Constitution and that "a citizens' consensus was required to revise provisions of the Civil Code" were not acceptable, given the status of duly ratified treaties in domestic law, and urgent action was needed to rectify the situation. There was also an urgent need for legislation that protected sexual minorities against discrimination in employment, housing, health and other areas.

11. **Ms. Takegawa** (Japan) said that gender-based discrimination was expressly prohibited by the Constitution, which also provided that treaties duly ratified and promulgated by Japan had the same force as domestic law. In addition, the Basic Act for a Gender-Equal Society enshrined the principles of equal opportunity and equal respect for the dignity of men and women.

12. **Ms. Tsuchiya** (Japan) said that, since persons engaged in prostitution could be male or female, the Anti-Prostitution Act was not considered to be discriminatory. Moreover, it was generally the persons who engaged in procuring or soliciting acts of prostitution who would face criminal sanctions.

13. **Mr. Otsuka** (Japan) said that amending the Civil Code was a complicated undertaking, since its provisions related to traditional family relationships and culture in Japan. A clear public consensus was thus needed before such amendments could be introduced. The Government had, however, made progress in certain areas. While the distinction between children born in and out of wedlock persisted, there were no longer discriminatory provisions concerning their inheritance rights. The Government was also currently drafting a bill to reduce the waiting period before remarriage in the light of a recent decision by the Supreme Court. Public opinion remained divided on

issues such as harmonizing the ages at which men and women could marry and permitting married couples to use different surnames, and the Government would therefore continue to monitor the debate.

14. **Mr. Saita** (Japan) said that the Government was still exploring the best method for establishing an independent human rights institution. Regarding training for judges, prosecutors and other law enforcement officials, a wide range of courses for new recruits and for newly promoted personnel, as well as opportunities for continuing professional development, were available. Those courses included instruction on the content of international treaties and human-rights-related and gender-based issues, as well as training in ways of dealing with cases of domestic violence, stalking, harassment and sex crimes and of providing support to victims.

15. **Mr. Sugiyama** (Japan) said that, in the constitutional system of Japan, international undertakings to which it was a party were superior to domestic laws so long as the treaty in question was self-executing. Given the implications of article 18, in particular, of the Convention on the Elimination of All Forms of Discrimination against Women, however, it was non-self-executing and thus was not directly applicable in the courts. Since Japan was committed to fulfilling the Convention — and specific mention should be made to article 24 in that connection — it was working to adopt the domestic legislation required for its full implementation.

16. **Mr. Mizushima** (Japan), referring to the ODA charter and how it related to the Convention and to Security Council resolution 1325 (2000), said that ODA was based on the principle of human security, and particular emphasis was thus placed on gender equality and women's empowerment, which were pillars of the Initiative on Gender and Development. That initiative explicitly mentioned the necessity of gender-equal efforts based on the Convention and sought to improve the status of women in developing countries and to enhance women's participation in development programmes. As to the implementation of Security Council resolution 1325 (2000) on women, peace and security, the Government had recently developed a comprehensive national plan that would promote women's participation in both domestic and foreign initiatives mounted in response to a range of conflict and disaster situations. Japan was also one of the leading donors for efforts to tackle the problem of sexual violence in conflict situations. The issue of sexual violence committed by foreign military personnel in Japan was covered by a framework agreement on the subject, and there was thus no need for it to be addressed in an action plan.

17. **Mr. Komatsuzaki** (Japan), in response to a question on the protection of sexual minorities, said that it was imperative to provide a tailored response to children with gender identity disorders. A process had been established whereby school counsellors, teachers and school nursing staff worked with such children while taking into consideration their individual needs and the wishes of their parents or guardians.

18. **Ms. Takegawa** (Japan) said that one of the principles of the Basic Act for a Gender-Equal Society was to ensure that men and women in Japan had equal career opportunities. With 3 million women actively looking for work, the Government's goal was to build a society that enabled women to shine; gender equality was not viewed simply as a strategy for boosting economic growth.

19. **Ms. Halperin-Kaddari** said that conducting opinion polls to determine whether or not there was a public consensus as to the need to repeal the discriminatory provisions of the Civil Code was not an appropriate procedure. The Government urgently needed to repeal those provisions and abide by international standards and agreements. Information on the specific legislation in place to prohibit discrimination against sexual minorities would be appreciated.

20. **Ms. Schulz**, emphasizing that the Government should lead, rather than follow, society's views on issues such as putting an end to violations of the rights of various groups in the population, said that she was concerned at the fact that the information in the State party's report regarding the progress made in preventing discrimination against women with disabilities was at odds with the information received from numerous alternative sources. The limited availability of information on the country's overall legal, social and financial framework for the prevention of discrimination against women with disabilities hampered the development of appropriate public policies. She would like to know what plans the Government had to remedy that situation. She would be interested to learn what steps had been, or were to be, taken to guarantee that women with disabilities and low-income pensioners, many of whom were also women with disabilities, enjoyed the right to non-discrimination and substantive equality, particularly in view of the increasing privatization of or reduction in public services. Many women with disabilities were living on pensions that were insufficient to permit them to live with dignity. What measures had the Government put in place or envisaged to address that issue?

21. **Mr. Otsuka** (Japan) said that the adoption of a bill to amend discriminatory provisions in the Civil Code was subject to the agreement of the governing party. Thus, it was not solely a matter of garnering public approval; political parties and politicians were also divided on the course of action to be taken. The matter was therefore a subject of both public and political debate.

22. **Mr. Mizushima** (Japan) said that the Government was giving serious consideration to the ratification of the Optional Protocol to the Convention and was actively working to determine what kinds of institutional arrangements would be necessary to ensure that the communications procedure could be successfully implemented.

23. **Ms. Genka** (Japan) said that a range of measures had been put in place to promote the employment of women with disabilities, including job placement counselling and assistance tailored to the specific nature of the person's disability and the provision of training and support for reasonable accommodation. Special social welfare benefits and pensions were provided to persons with severe disabilities and persons on low incomes.

24. **Ms. Nadaraia** said that, while some information had been provided on the national machinery for the advancement of women in the replies to the list of issues (CEDAW/C/JPN/Q/7-8/Add.1), it remained unclear what measures the State party had taken to strengthen that machinery, particularly with regard to the specification of the mandate and responsibilities of its various components, such as the Minister of State for Gender Equality and Social Affairs, the Gender Equality Bureau and the Council for Gender Equality. Moreover, reports received by the Committee indicated that gender equality was only a small part of the administrative duties of the minister responsible for that area. Lastly, further information would be appreciated on the extent to which the Third Basic Plan for Gender Equality had been implemented and on any difficulties that had been encountered in that connection.

25. **Ms. Takegawa** (Japan) said that the Headquarters for the Promotion of Gender Equality was responsible for gender mainstreaming and for coordinating the implementation of gender equality policies. The Cabinet Office treated the dynamic and equal engagement of all citizens as a priority and recognized the importance of incorporating a gender perspective into public policies. The Gender Equality Bureau currently employed 72 staff members and had a budget of 800 million yen. One of the fundamental objectives of the Third Basic Plan for Gender Equality had been to promote affirmative action, which underpinned the recently adopted Act on the Promotion of Women's Participation and Advancement in the Workplace.

26. **Ms. Nwankwo** said that the Committee was concerned that the measures set out in the Third Basic Plan for Gender Equality were not binding and that the Government had not implemented gender quota systems with clearly defined sanctions for non-compliance. Consequently, the Third Basic Plan had failed to achieve significant results, and women's participation in the Diet, the judiciary, private companies and the higher echelons of the civil service remained very limited. With that in mind, she would like to know whether the State party would consider adopting temporary special measures to enable members of minority groups, including women, to enjoy substantive equality. She invited the delegation to clarify the claim made in paragraph 74 of the replies to the list of issues (CEDAW/C/JPN/Q/7-8/Add.1) that making the quota system mandatory might impose an excessive burden on the opposite sex. She also wished to know whether a mechanism was in place to monitor the implementation of the Fourth Basic Plan, whether the results of the Third Basic Plan had been evaluated and, if so, what the outcome had been.

27. **Ms. Takegawa** (Japan) said that, while binding measures might help to increase the number of women parliamentarians, the Government had a duty to respect the independence of the legislative branch. As part of its implementation of the Third Basic Plan, it had requested political parties to consider introducing quotas. Under the Act on the Promotion of Women's Participation and Advancement in the Workplace, private companies were encouraged to set numerical targets. The Government also planned to take steps to facilitate the comparison of companies' records in terms of their efforts to foster gender equality.

28. **Ms. Nwankwo**, noting that a bill was being drafted that would provide for legislated gender quotas, asked whether the relevant government ministry would be working to promote its adoption.

29. **Ms. Zou** Xiaoqiao said that she wished to know whether there were plans to convert the post of Minister of State for Gender Equality into a full-time position, what steps had been taken to institutionalize gender budgeting and whether the budget for the Fourth Basic Plan had already been drawn up. The delegation should also explain whether the Plan provided for targeted and time-bound measures to address the inequalities faced by migrant women, women with disabilities, indigenous women and other women belonging to minorities.

30. **Ms. Takegawa** (Japan) said that a bill providing for gender quotas in the legislature would be unlikely to receive backing from the executive branch because of the need to respect the separation of powers. Making the post of Minister of State for Gender Equality a full-time portfolio might not be feasible as there was a limit to the number of ministers who could be appointed to the Cabinet. The issues of gender equality, women's empowerment and the declining birth rate were closely linked; it thus made sense for them to form part of a single ministerial portfolio. For the fiscal year from 1 April 2015 to 31 March 2016, a gender perspective had been incorporated into the budgeting process. Efforts had been made to include provisions in the Fourth Basic Plan to protect the human rights of vulnerable groups of women.

31. **Ms. Gbedemah** said that she would welcome the delegation's comments on reports that the stereotype that women should be homemakers persisted and was perpetuated in school textbooks, that women were depicted as sex symbols and mother figures in advertising and the media, and that adult pornography featuring Japanese and foreign women was largely unregulated. She would like to know what effective measures, including legislation, were envisaged to protect the dignity and human rights of women employed in the pornography industry and whether cases of sexual violence against those women were investigated.

32. Since there appeared to be no legal provisions to prevent or sanction hate speech, she would like to know more about the status of the bill on the elimination of racial discrimination that had been submitted to the National Diet in May 2015. Did it deal with the issue of hate speech as well? She would also appreciate additional information on what had been done since the issuance of the previous concluding observations (CEDAW/C/JPN/CO/6) to ensure that public officials refrained from making sexist remarks. It would be helpful for the delegation to describe the efforts that had been made to crack down on stalking and to investigate the factors underlying violence against women and the reluctance of certain categories of victims to report violations of their rights.

33. **Ms. Halperin-Kaddari** said that there were a number of shortcomings in the State party's Criminal Code. Sexual crimes against children under 13 years of age were dealt with in the same article as rape and carried the same minimum punishment of three years' imprisonment. The article in question contained no mention of incest, an omission that had apparently not been discussed by the Ministry of Justice review committee referred to in paragraph 27 of the responses to the list of issues. Moreover, the definition of rape as interpreted by the courts was very narrow, covering only vaginal penetration by the penis, while other forms of penetration were classified merely as indecent acts. The definition thus fell short of international standards, notably those set forth in article 36 of the Istanbul Convention. She wished to know whether the Government was contemplating the possibility of amending the Criminal Code to address the fact that marital rape was not explicitly criminalized, which resulted in de facto impunity for perpetrators. Were steps being taken to expedite the processing of restraining orders and to facilitate the issuance of ex parte retraining orders? It would also be useful to know whether the Act on the Prevention of Spousal Violence and the Protection of Victims applied to same-sex couples.

34. **Ms. Hofmeister** asked whether steps would be taken to reform the Technical Intern Training Programme, through which women were effectively subjected to forced labour, and whether the Government planned to ratify the United Nations Convention against Transnational Organized Crime and the Palermo Protocol. She would also welcome information on measures to provide special assistance and shelters for trafficking victims; to investigate, prosecute, convict and punish the perpetrators of sex trafficking and forced labour; to suppress the demand for prostitution; and to tackle discrimination against prostitutes. As to the issue of comfort women, which the Committee was entitled to raise owing to the continued suffering of victims who had not received satisfaction, she would like to learn more about the legal status and implementation of the bilateral agreement between Japan and the Republic of Korea. She wished to know what the Government was doing to honour its obligations to foreign victims under international human rights law and to follow up on the issue raised in paragraph 38 of the previous concluding observations, in which the Committee had urged the State party to find a lasting solution to the situation of comfort women that would include the compensation of victims, the prosecution of perpetrators and the education of the public about those crimes. She invited the delegation to describe what steps were being taken to offer an apology and full redress to former comfort women and to the descendants of those who were deceased.

35. **Ms. Takegawa** (Japan) said that, in order to combat stereotypes, a month-long campaign was launched in June of each year to promote gender equality. With regard to hate speech, steps had been taken by the country's political parties to discourage public figures from making harmful statements. Thanks to the implementation of comprehensive measures, there had been a significant reduction in the number of human trafficking cases in Japan since 2005.

36. **Mr. Sugiyama** (Japan) said that the full-scale fact-finding study on the issue of "comfort women" conducted by the Government of Japan in the 1990s had not found confirmation of the widespread belief that such women had been forcibly removed from their country of origin by Japanese military personnel or Government agents. The testimony to that effect contained in the 1983 memoires of Japanese novelist Seiji Yoshida had been disputed and subsequently disproved by Japanese scholars. Moreover, in 2014, a leading Japanese newspaper had issued a corrigendum to several articles which had relied heavily on Yoshida's fabricated testimony and had issued an apology to its readers. There was no evidence to support the claim made by a leading Japanese newspaper that as many as 200,000 women had been recruited as comfort women during the Second World War, and that had subsequently been recognized by the newspaper itself. That figure could well be the result of a conflation of the number of women recruited as comfort women and the number recruited by the Women's Volunteer Labour Corps. The Government of Japan also rejected the unfounded claim that comfort women had been akin to sex slaves. Following a round of intensive consultations, the Foreign Ministers of Japan and the Republic of Korea had issued a joint announcement on the issue which had brought it to a close. The Government of Japan had taken a number of steps to provide redress to former comfort women, including through the creation of the Asian Women's Fund. Moreover, it had been decided that the Government of the Republic of Korea would set up a foundation to support former comfort women to which the Government of Japan would make a one-time donation. The two Governments would also conduct projects aimed at rehabilitating former comfort women. As to the issue of reparations and claims originating from events that occurred during the Second World War, the Government of Japan had acted in good faith, pursuant to the San Francisco Peace Treaty and other relevant agreements, and such claims had been legally settled with the parties to those instruments.

37. **Mr. Komatsuzaki** (Japan) said that a recent survey had revealed that, while entrenched stereotypes regarding the roles and responsibilities of women in Japanese society persisted, that was beginning to change. The Government was not aware of any textbooks that perpetuated negative stereotypes.

38. **Mr. Takano** (Japan) said that Japan had a law that required all adult entertainment to be approved by the National Public Safety Commission. That law regulated adult pornography and its distribution. Police officers were required to report the discovery of obscene material and, if its possession or distribution constituted an offence under the Japanese Criminal Code, to investigate the individuals involved and turn their cases over for prosecution.

39. **Ms. Tsuchiya** (Japan) said that article 175 of the Japanese Criminal Code prohibited the possession, distribution or display of obscene materials in public. The possession and display of child pornography were criminal offences. The Ministry of Justice had undertaken a review of the punishments imposed for crimes of a sexual nature to determine whether steps should be taken to amend the Criminal Code, and proposed amendments were currently being discussed by the Legislative Council, which was deliberating on issues such as whether to expand the current definition of sexual intercourse to include anal and oral intercourse and how incest should be legally defined and punished. Under article 177 of the Japanese Criminal Code, rape was punishable by a prison term with labour of not less than three years. Marital rape could be established as a separate offence under Japanese criminal law, and cases involving marital rape had been brought before the courts. Procuring and providing premises for prostitution constituted criminal offences under the Anti-Prostitution Act. The law under which activities relating to child prostitution and child pornography were punishable criminal offences also prohibited the solicitation of child prostitution and prescribed harsh penalties for that offence. The Government launched annual

campaigns to raise public awareness of the plight of victims of human trafficking and prostitution. Hate speech could be punished as a criminal offence if it amounted to defamation or verbal assault or was used to incite discrimination against minority groups or to intimidate them.

40. **Mr. Otsuka** (Japan) said that the Act on the Prevention of Spousal Violence and the Protection of Victims required the courts to expedite the hearing of cases in which the victim had requested a restraining order. The amount of time that it took to grant a restraining order ultimately depended on the specific set of circumstances involved, but in the case of spousal violence, such orders were issued promptly. While the law on spousal violence made no specific reference to same-sex couples, the courts had the power to determine whether it applied to such couples and to decide whether or not to issue a restraining order on a case-by-case basis. There had been instances in which a restraining order had been granted to a person in a same-sex relationship in the past.

41. **Mr. Saita** (Japan) said that victims of hate speech were eligible for compensation if the offence was prosecuted under the Civil Code. The Ministry of Justice was in the process of gathering information from local governments on the prevalence of hate speech in Japanese society with a view to stepping up the measures that were in place to combat it. Deliberations on the bill to prohibit racial discrimination were still ongoing within the Legislative Council. The National Police Agency investigated all suspected cases of human trafficking for the purposes of forced labour or sexual exploitation. Female victims of human trafficking could avail themselves of a special residence permit. The Technical Intern Training Programme was intended to promote the sharing of skills and expertise and human resource development. While that programme was widely viewed as a positive initiative, some employers considered technical interns to be a source of cheap labour and exploited them in violation of labour laws. A bill that would require employers wishing to participate in the programme to be vetted and licensed and that would establish their criminal liability for any human rights violations had been drafted and submitted for discussion.

42. **Ms. Genka** (Japan) said that older women and women with disabilities tended to be targets for violence and abuse, often at the hands of caregivers, and special laws had been adopted to protect and assist them. Training in the prevention and handling of cases involving violence against women had been dispensed to government officials. In urgent situations, emergency accommodations and care could be provided to the elderly.

43. **Mr. Mizushima** (Japan) said that the Palermo Protocol had not yet been ratified because deliberations on that subject were still under way.

44. **Ms. Gbedemah** asked how the various laws prohibiting the possession, distribution and display of obscene materials were enforced in practice; whether any individuals had been prosecuted for those offences; whether the upcoming bill on the prohibition of racial discrimination would expressly criminalize hate speech; and whether the measures taken by the State party to combat violence against women with disabilities and elderly women and to encourage women to report violations of their rights had yielded positive results.

45. **Ms. Zou** Xiaoqiao said that she found the position taken by the Government of Japan on the issue of comfort women to be contradictory, as the Government continued to deny that those women had been forcibly removed from their country of origin by Japanese military personnel or government agents while at the same time endorsing the joint announcement regarding comfort women issued by the Foreign Ministers of Japan and the Republic of Korea. She failed to understand why the Government of Japan had taken that position, especially in the light of the Kono

Statement of 1993, in which the Government of Japan had acknowledged that many comfort women had been recruited into "comfort stations" against their will at the request of the Japanese military. She wished to know whether, in addition to the apology already issued, the Government of Japan would consider sending a written apology to all surviving comfort women and whether it intended to acknowledge its legal responsibilities to those women by providing them with adequate redress and by taking the necessary steps to ensure that all those involved in their recruitment and exploitation were prosecuted and punished.

46. **Ms. Halperin-Kaddari** said that the Government's current approach to dealing with domestic violence betrayed a distinct lack of understanding of the phenomenon of gender-based violence in general and of the need to introduce special procedures for dealing with it. Since it could take up to 12 days for a restraining order to be granted, she would like to know whether the State party had considered introducing a system whereby emergency protection orders could be granted at a moment's notice if required. She wished to know whether perpetrators of domestic violence could be prosecuted without the victim filing a formal complaint; whether the Government intended to increase the minimum penalty for sexual offences against girls under the age of 13; and whether it planned to amend the Japanese Criminal Code to establish marital rape as a stand-alone offence and to extend the scope of the Act on the Prevention of Spousal Violence and the Protection of Victims to explicitly cover same-sex couples.

47. **Mr. Sugiyama** (Japan) said that the issuance of the joint announcement on comfort women by the Foreign Ministers of Japan and the Republic of Korea had brought the issue to a close and that the text of the announcement had been duly appended to his country's written replies to the list of issues (CEDAW/C/JPN/Q/7-8/Add.1). The contention that the Government of Japan sought to deny the past or that it was not taking steps to deal with the issue was clearly contradicted by the facts. The joint announcement acknowledged the involvement of Japanese military authorities and described the recruitment of comfort women as an affront to the honour and dignity of the women in question. The Government of Japan had acknowledged its responsibilities and issued a sincere apology. Both the Government of Japan and the Government of the Republic of Korea were making every effort to honour the terms of the agreement that they had reached.

48. **Ms. Takegawa** (Japan) said that it was unacceptable for public officials to make discriminatory statements or sexist remarks and that all such instances were dealt with accordingly. One of the steps taken to stem the distribution of child pornography was to block websites known to contain such material.

The meeting rose at 1.05 p.m.